

Docket No.
405507/0003
LR:DLS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Toshihisa Saruta, et al.**

Examiner: **M. Nghiem**

Serial No.: **09/432,272**

Art Unit: **2861**

Filed: **November 2, 1999**

For: **INK CARTRIDGE AND PRINTER USING THE SAME**

Date: **April 8, 2002**

**RESPONSE TO
RESTRICTION/ELECTION REQUIREMENT AND
REQUEST FOR CONFIRMATION OF
CONSIDERATION OF PRELIMINARY AMENDMENT**

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Sir:

In response to the restriction requirement in the Office Action mailed on January 31, 2002, the time for reply to which having been extended for two months from February 28, 2002, to and including April 30, 2002, by the accompanying Petition For Extension of Time Under 37 C.F.R. 1.136(a), Applicants elect the claims grouped by the Examiner into Group I, namely claims 1-86 and 90-93, for prosecution on the merits (as explained in detail below, claims 10, 21 and 22 have been cancelled).

In addition, responsive to the election of species requirement made by the Examiner, Applicants elect species I, corresponding to Figs. 1-13b, for prosecution on the merits. Claims 1-3, 5-9, 11-20, 23, 35-44, 55-58, 60-62 and 72-77 correspond to Species I.

Applicants' election of Group I and species I is without prejudice, and should not be construed as an admission that the Groups or species have been properly defined.

Certificate of Mailing (37 C.F.R. 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on (Date) April 8, 2002
Typed or printed name of person signing this certificate:
David L. Schaeffer

Signature: David L. Schaeffer

The Office Action also included a Notice of Draftperson's Patent Drawing Review dated February 15, 2000, objecting to the drawings as originally filed, in part because of the orientation of the label "Fig. 2" for Figure 2, and because of the character of various lines and reference numbers in Figs. 22-26 and 32.

Suitable replacement drawings have been prepared and are submitted along with the accompanying Letter Transmitting Substitute Drawings. Figs. 22-26 and 32 have been reproduced in somewhat darker fashion, and it is believed that the lines and numbers therein more than sufficiently comply with U.S. patent practice.

In view of the minor nature of the change to Fig. 2 (the figure label has been repositioned and rotated by 90°) it is not believed necessary to have proposed a drawing change.

Applicants note that the Notice of Draftsperson's Patent Drawing Review, although mailed with the Office Action, was prepared on February 15, 2000, and so predates significant changes to patent practice and, in particular, patent application drawing practice, that became effective on November 29, 2000. Applicants therefore traverse the objections therein on grounds they do not reflect the current state of patent law, and respectfully request withdrawal of such objections.

It is respectfully submitted that the drawings in this application more than sufficiently comply with current patent practice.

**REQUEST FOR CONFIRMATION OF
CONSIDERATION OF PRELIMINARY AMENDMENT**

The outstanding Office Action, which states claims 1-93 are pending, does not reflect the Preliminary Amendment filed on December 19, 2001. That Preliminary Amendment cancelled claims 10, 21 and 22 and made various changes to numerous claims.

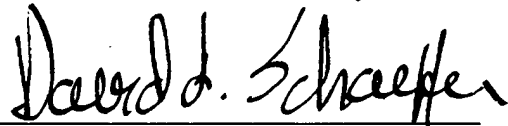
The Examiner is therefore respectfully requested to confirm that the Preliminary Amendment has been entered and considered.

CONCLUSION

The Commissioner is authorized to charge any fees due or credit any overpayments to Deposit Account No. 19-4709.

Applicants respectfully submit that all claims pending in this application are patentable over the prior art. Favorable consideration and prompt allowance are respectfully requested. Early and favorable action is earnestly solicited.

Respectfully submitted, ✓



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